

REMARKS

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph as being indefinite; and rejected claims 1, 4-6, 10, and 11 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,090,528 of Gordon et al. ("Gordon") in view of U.S. Patent No. 6,578,174 of Zizzo ("Zizzo"). The Examiner made the Office Action final.

In this Amendment After Final, Applicants propose to amend claims 1, 6, 10 and 11 to more appropriately define their invention. Upon entry of this amendment, claims 1, 4-6, 10, and 11 will remain pending in the above-captioned patent application.

In the rejection under Section 112, second paragraph, the Examiner stated that it is unclear "whether the following [phrase] within claim [1] affirms patentable weight: 'causing the person who wishes to place an order to input'." Office Action at page 2. In response, Applicants propose to amend claim 1 to delete the language cited by the Examiner and to more appropriately define their invention. As a result, Applicants submit that amended claim 1 meets the requirements of Section 112, second paragraph, and request that the Examiner reconsider and withdraw his rejection of claim 1 under Section 112.

Applicants traverse the Examiner's rejection of claims 1, 4-6, 10, and 11, under Section 103(a) as being unpatentable over Gordon and Zizzo. Applicants note that the U.S. filing date of Zizzo is June 8, 2001. However, the filing date of Japanese Patent Application No. 2000-227324, from which Applicants claim foreign priority, is July 27, 2000, which is earlier than the U.S. filing date of Zizzo. Applicants therefore submit herewith an accurate English translation of their priority document, i.e., Japanese Patent Application No. 2000-227324, in order to perfect their claim of foreign priority under 35

U.S.C. § 119, based on that priority document. As a result, Zizzo is not available as prior art against the present application, and the Examiner's rejection based on Gordon and Zizzo cannot stand. Applicants therefore request that the Examiner withdraw his rejection of claims 1, 4-6, 10, and 11 under Section 103(a) and allow those claims.

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing claims 1, 4-6, 10, and 11 in condition for allowance. The proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate and favorable action by the Examiner.

Finally, Applicants submit that the entry of the Amendment after Final would place the application in better form for appeal, should the Examiner continue to dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that their claimed invention is in condition for allowance. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

David S. [Signature]

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